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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,229	08/27/2003	Chung-Hui Chen	26035-US-PA	4340

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JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE
7 FLOOR-1, NO. 100
ROOSEVELT ROAD, SECTION 2
TAIPEI, 100
TAIWAN

EXAMINER

SEYE, ABDOU K

ART UNIT	PAPER NUMBER
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2194

NOTIFICATION DATE	DELIVERY MODE
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10/03/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USA@JCIPGROUP.COM.TW
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Office Action Summary	Application No. 10/648,229	Applicant(s) CHEN ET AL.	
	Examiner Abdou Karim Seye	Art Unit 2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Argument

1. Claims 1-8 are pending in this application.

Claim Objections

2. As to claims 6, line 7, It is cited “within a limited electronic device” . It is unclear what applicant intends to claim, “ within a limited distance range for any electronic connecting online” or “total number of electronic devices”. For examining purpose, examiner will interpret as “within ...on line” . Applicant is required to correct the claim in response to this office action.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-8 are rejected under 35 U.S.C. 103 (a) as being unpatentable over **Kita et al. (US 20030054821)** in view of **Hasegawa (US 20030074592)**.

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5. As per Claims 1 and 6, Kita teaches the invention substantially as claimed including a control method for setting up operation time of a wireless connection device, which is applied to a computer device comprising said wireless connection device and a driver program (abstract, lines 6; search module (31), wherein said driver program has a detection control software for setting a detection operation time of said wireless connection device the control method comprising:

enabling the driver program to activate said wireless connection device to detect within a limit distance of searching range and search for any wireless electronic device for online connection (abstract), and when the internal clock (FIG. 4:31; where the claimed element "CPU" is well know in the art including a time clock software) of said computer device reaches the end of the interval time according to this predetermined detection operation time (FIG. 3; paragraph 66-67; FIG. 5; paragraph 84-85)

enabling the drive program to shut down said wireless connection device (FIG. 7: S 16 and S18; paragraph 109).

6. Kita does not specially teach upon detecting of "Start " time to perform detection/searching operation, and to shut down when the system detect "End " time.

7. Hasegawa discloses detecting of “Start “ time to perform detection/searching operation, and to shut down when the system detect “End ” time (paragraph 60-63; and FIG. 5; paragraph 45-47 and paragraph 50-56).

8. It would be obvious to a person of ordinary skill in the art at the time the invention was made to modify Kita's invention with Hasagawa's invention to include start time and end time of a computer device turning on the search operation or off of a wireless connection according to the result of the predetermine value. One would be motivated to provide suchstart/end time software program in order to allow synchronization of computer elements connected to local area network (Hasegawa's; paragraph 65).

9. As to claim 2, Kita teaches determining whether or not said wireless connection device being is connectible to any wireless electronic device (abstract; searching for connection); and when said wireless connection device is not connectible to any wireless electronic device, determining whether or not the internal clock (FIG. 4: 31) of said computer device reaches the END time (abstract) and enabling said driver to shut down said wireless connection device when the internal clock of said computer device reaches the END time (FIG. 7:S16 and S18; paragraph 109).

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10. As to claim 3, Hasegawa teaches, wherein when said internal clock of said computer device has not reached the START time, said detection control software will repeatedly determine whether or not the internal clock of said computer device has reached the START time until the internal clock of said computer has reached the START time (FIG. 10; paragraph 96).

11. As to claim 5, Hasegawa teaches wherein when said internal clock of the computer device has not reached the END time, said detection control software will repeatedly determine whether or not said internal clock of the computer device has reached the END time until said internal clock of the computer device has reached the END time (FIG 10; paragraph 97).

12. As to Claims 4, 7 and 8, they are rejected for the same reasons as the claims above.

Response to Arguments

13. Applicant's arguments filed June 20, 2008 have been fully considered but they are not persuasive.

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14. In the remarks applicant argue in substance that :

(1)The combination of Kita, and Hasegowa filed to teach the subject matters “ wherein said driver program has a detection control software for setting a detection operation time of said wireless connection device”.

15. Examiner respectfully disagreed with applicant’s remark.

As to point (1) See paragraphs 5-8 above. Kita teaches search module (31)/driver program for detecting/searching a wireless connection device (abstract, lines 6).

Hasegawa discloses detecting of “Start “ time to perform detection/searching operation, and to shut down when the system detect “End ” time (paragraph 60-63; and FIG. 5; paragraph 45-47 and paragraph 50-56). Therefore, the combination of Kita and Hasegawa meet the claimed limitation of “ wherein said driver program has a detection control software for setting a detection operation time of said wireless connection device”.

Also this recitation “ wherein said driver program has a detection control software for setting a detection operation time of said wireless connection device” has not been given patentable weight because it occurs in the preamble. A preamble is not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Conclusion

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exr. Abdou Seye whose telephone number is (571) 270-1062. The examiner can normally be reached Monday through Friday from 7:30 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, contact the examiner's supervisor, An Meng at (571)272-3756. The fax phone number for formal or official faxes to Technology Center 3600 is (571) 273-8300. Draft or informal faxes, which will not be entered in the application, may be submitted directly to the examiner at (571) 273-6722.

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/Meng-Ai An/
Supervisory Patent Examiner, Art Unit 2195

/Abdou Karim Seye/
Examiner, Art Unit 2194